

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 22 1992

In re:

CHAPTER 7
Case No.

BARBARA A. EVERLY, CLERK

VERN C. OLIPHANT
BERTHA E. OLIPHANT
Debtor

L-90-01576-C

JOHN PETERSON
HELEN PETERSON
Plaintiff

v.

VERN C. OLIPHANT
BERTHA E. OLIPHANT
Defendant

Adversary Proceeding No.
L-90-0238-C

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable MICHAEL J. MELLOY, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: John and Helen Peterson shall have judgment against Vern and Bertha Oliphant in the amount of \$60,000.00 plus interest at the rate of 10% from the date of filing of this action pursuant to the terms of the settlement agreement.

IT IS FURTHER ORDERED that this judgment amount is non dischargeable pursuant to 11 USC 523(a)(4), 523 (a)(6), and 523(a)(2)A..



[Seal of the U.S. Bankruptcy Court]
Date of Issuance: April 22, 1992

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Michelle A. Goley*
Deputy Clerk

Copy to:
Pamela Jo Lewis,
Jeff Taylor
U.S. Trustee this April 22, 1992 mg

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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 22 1992

BARBARA A. EVERLY, CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

VERN C. OLIPHANT AND)	
BERTHA E. OLIPHANT)	
)	
Debtors.	)	Bankruptcy No. <u>L-90-01576C</u>
-----)	
)	
JOHN PETERSON AND)	
HELEN PETERSON.)	
)	
Plaintiff(s)	)	Adversary No. <u>L-90-0238C</u>
vs.)	
)	
VERN C. OLIPHANT AND	)	STIPULATED ORDER AND
BERTHA E. OLIPHANT	)	CONSENT JUDGEMENT
)	
Defendant(s))	

The matter before the court is the adversary proceeding filed by the Plaintiffs John and Helen Peterson on or about December 7, 1990. The court being advised that all parties have signed a settlement agreement and consent to this judgement.

IT IS THEREFORE ORDERED that Plaintiffs, John and Helen Peterson shall have a judgement against Vern and Bertha Oliphant in the amount of \$60,000.00 plus interest at the rate of 10% from the date of filing this action.

IT IS FURTHER ORDERED that all terms of the settlement agreement are incorporated into this order in their entirety.

IT IS FURTHER ORDERED that this judgment amount is non dischargeable pursuant to 11 USC 523(a)(4), 523(a)(6), and 523(a)(2)A.

ORDERED this 22nd day of April, 1992

Michael J Melloy
MICHAEL J MELLOY
Chief Bankruptcy Judge

The undersigned hereby consent to the entry of the above order and Judgement.

March 6, 1992
date

Vern C. Oliphant
Vern C. Oliphant

March 6, 1992
date

Bertha E. Oliphant
Bertha E. Oliphant

March 6, 1992
date

Jeffrey Taylor
Jeffrey Taylor
Attorney for the Debtor

4-17-92
date

John Peterson
John Peterson

4-17-92
date

Helga Peterson
Helga Peterson

4-17-92
date

Pamela Lewis
Pamela Lewis
Attorney for the Plaintiff

Copy handed to
filing attorney (Pamela Lewis)
on date filed **RH**

Copy to Jeff Taylor & US Trustee
4-22-92

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 22 1992

BARBARA A. EVERLY, CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

VERN C. OLIPHANT AND
BERTHA E. OLIPHANT

Debtors.

JOHN PETERSON AND
HELEN PETERSON.

Plaintiff(s)

vs.

VERN C. OLIPHANT AND
BERTHA E. OLIPHANT

Defendant(s)

)
)
)
) Bankruptcy No. L-90-01576C
)
)

)
)
)
) Adversary No. L-90-0238C
)

)
) SETTLEMENT AGREEMENT
)
)
)
)

The plaintiffs and the debtor/defendants in the above-entitled proceeding state that. in the event the Stipulated Order and Consent Judgement is granted them. they stipulate and agree that the rights of the parties shall be settled. subject to the approval of the Court. as follows:

1. The Defendants/Debtors. Vern and Bertha Oliphant agree to a non-dischargeable consent judgment to the Plaintiffs, John and Helen Peterson in the amount of \$60,000.00 plus interest at the rate of 10% from the date of filing this action.

2. The Plaintiffs agree that this judgment shall be in full satisfaction for the claims assert in Adversary Proceeding L-90-0238C.

3. The Debtors/Defendants agree that in consideration for the satisfaction of the claims asserted in the Adversary Proceeding L-90-0238C, the judgement shall be secured by a lien on the Debtors/Defendants homestead pursuant to Iowa Code 561.21(2) and any and all other property including exempt property owned or acquired by the Debtors/Defendants. This document shall serve as a written contract conveying the liability of the homestead.

4. The Plaintiffs agree to not attempt to collect from the homestead or any other property normally exempt while either of the Debtors/Defendants are living and the property is held by them. It is the express intention of the parties that if the debt is not paid before the death of both of the Debtors/Defendants, that it will be paid out of the assets of their estates including their homestead interest. It is further stipulated that the homestead interest shall pass to the Defendants' issue according to Iowa Code 561.19 only upon full satisfaction of this judgement.

5. The parties acknowledge that this settlement agreement is made pursuant to 11 USC 523(a)(4), 523(a)(6) and 523(a)(2)A and if accepted by the court shall not be set aside or discharged by any aspect of the pending bankruptcy action.

5. The parties further agree that this agreement sets forth the entire agreement between the parties and there being no other understanding between them, express or implied.

I understand that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this contract, I voluntarily give up my right to this protection for this property with respect to claims based upon this contract.

March 6, 1992
date

Vern C. Oliphant
Vern C. Oliphant

Subscribed and sworn to me this 10th day of March, 1992.

Jeffrey P. Taylor
Notary Public in and for Linn County

I understand that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this contract, I voluntarily give up my right to this protection for this property with respect to claims based upon this contract.

March 6 1992
date

Bertha E. Oliphant
Bertha E. Oliphant

Subscribed and sworn to me this 10th day of March, 1992.

Jeffrey P. Taylor
Notary Public in and for Linn County

Jeffrey P. Taylor
Witness Jeffrey Taylor
Attorney for the Debtors

4-17-1992
date

John Peterson
John Peterson

Subscribed and sworn to me this 17th day of April, 1992.

Dee M. Eggleston
Notary Public in and for Linn County

Copy handed to
filing attorney (Pamela Lewis)
on date filed PH

4-17-92
date

Helen Peterson
Helen Peterson

Subscribed and sworn to me this 17th day of April, 1992.

John M. Engstrom
Notary Public in and for Linn County

Pamela Lewis
Witness Pamela Lewis
Attorney for the Plaintiffs

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 20 1994

BARBARA A. EVERLY CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

In Re:
Vern C. Oliphant and
Bertha E. Oliphant
Debtors

Bankruptcy No. 90-01576C
Adversary No. 90-0238C

John and Helen Peterson
Plaintiff

vs

Vern C. and Bertha Oliphant
Debtors

For valuable consideration in hand paid/(no monetary value),
the plaintiffs, John and Helen Peterson, do hereby release from
judgement lien in the above matter the following real estate:

Lot 14, Kurth's First Addition to Linn County, Iowa

and authorizes the Clerk of Court to show said release of lien on
records maintained for said purposes in the above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN:ss

On this 6 day of September, 1994, before me, a
Notary Public for the State of Iowa, personally appeared John
Peterson and Helen Peterson, to me known, and who executed the
above instrument as their voluntary act and deed.

Patricia Go Lewis
Notary Public, State of Iowa
Magistrate

Copy handed to
filing attorney party
on date filed
dsr

Recorded:
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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

OCT - 4 1994

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY CLERK

In Re:
Vern C. Oliphant and
Bertha E. Oliphant
Debtors

Bankruptcy No. 90-01576C
Adversary No. 90-0238C

John and Helen Peterson
Plaintiff

vs

Vern C. and Bertha Oliphant
Debtors

For valuable consideration in hand paid/(no monetary value),
the plaintiffs, John and Helen Peterson, do hereby release from
judgement lien in the above matter the following real estate:

Lot 13, Kurth's First Addition to Linn County, Iowa

and authorizes the Clerk of Court to show said release of lien on
records maintained for said purposes in the above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN:ss

On this 25th day of September, 1994, before me, a
Notary Public for the State of Iowa, personally appeared John
Peterson and Helen Peterson, to me known, and who executed the
above instrument as their voluntary act and deed.

Lam Lewis
Notary Public, State of Iowa
Magistrate

Copy handed to
filing attorney
on date filed **AN**

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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

OCT 17 1994

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

CAROL A. EVERLY CLERK

In Re:
Vern C. Oliphant and
Bertha E. Oliphant
Debtors

Bankruptcy No. 90-01576C
Adversary No. 90-0238C

John and Helen Peterson
Plaintiff

vs


Vern C. and Bertha Oliphant
Debtors

(applied on the judgement
in Cause# LA 17384 in
the Iowa District Court
for Linn County)

For valuable consideration in hand paid ~~(\$XXX monetary value)~~,
the plaintiffs, John and Helen Peterson, do hereby release from
judgement lien in the above matter the following real estate:

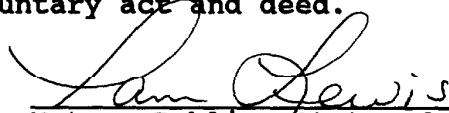
Lot 2, Kurth's First Addition to Linn County, Iowa and
an undivided 1/6th interest in Gie Drive, Kurth's First Addition to Linn County,
and authorizes the Clerk of Court to show said release of lien on Iowa
records maintained for said purposes in the above cause.


John Peterson


Helen Peterson

STATE OF IOWA, COUNTY OF LINN:ss

On this 25th day of September, 1994, before me, a Magistrate
~~Notary Public~~ for the State of Iowa, personally appeared John
Peterson and Helen Peterson, to me known, and who executed the
above instrument as their voluntary act and deed.


Notary Public, State of Iowa
Magistrate

Copy handed to
filing attorney
on date filed BN

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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP - 6 1995

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

In Re:
Vern C. Oliphant and
Bertha E. Oliphant
Debtors

Bankruptcy No. 90-01576C
Adversary No. 90-0238C

John and Helen Peterson
Plaintiff

vs

Vern C. and Bertha Oliphant
Debtors

For valuable consideration in hand paid/(no monetary value), the plaintiffs, John and Helen Peterson, do hereby release from judgement lien in the above matter the following real estate:

Lot 3, West Otter Creek First Addition to Linn County, Iowa.

and authorizes the Clerk of Court to show said release of lien on records maintained for said purposes in above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN: ss

On this 31st day of August, 1995, before me, a Magistrate for the State of Iowa, personally appeared John and Helen Peterson, to me known and who executed the above instrument as their voluntary act and deed.

Pamela Jo Lewis
Pamela Jo Lewis-Magistrate,
State of Iowa

Copy to Jeff Taylor
Pam Lewis
8-6-95 mg

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RECEIVED SEP 20 1995

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U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

SEP 21 1995

BARBARA A. EVERLY, CLERK

In Re:)
Vern C. Oliphant and)
Bertha E. Oliphant)
Debtors)
John and Helen Peterson)
Plaintiff)
vs)
Vern C. and Bertha Oliphant)
Debtors)

Bankruptcy No. 90-01576C
Adversary No. 90-0238C

RELEASE OF JUDGEMENT LIEN
ON PARTICULAR REAL ESTATE

For valuable consideration in hand paid/(no monetary value), the plaintiffs, John and Helen Peterson, do hereby release from judgement lien in the above matter the following real estate:

pp *J.P.* Lot 2, West Otter Creek First Addition to Linn County, Iowa.
and authorizes the Clerk of Court to show said release of lien on records maintained for said purposes in above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN: ss

On this 14th day of September, 1995, before me, a Magistrate for the State of Iowa, personally appeared John and Helen Peterson, to me known and who executed the above instrument as their voluntary act and deed.

Pamela Jo Lewis
Pamela Jo Lewis-Magistrate,
State of Iowa

*Copy returned to
Farmers State Bank, Marion Ia
9-21-95 mlf*

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SEP 28 1995

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

In Re:	)	Bankruptcy No. 90-01576C
Vern C. Oliphant and	)	Adversary No. 90-0238C
Bertha E. Oliphant)	
Debtors)	
	)	RELEASE OF JUDGEMENT LIEN
John and Helen Peterson	)	ON PARTICULAR REAL ESTATE
Plaintiff)	
)	
vs)	
)	
Vern C. and Bertha Oliphant)	
Debtors)	

For valuable consideration in hand paid/(no monetary value), the plaintiffs, John and Helen Peterson, do hereby release from judgement lien in the above matter the following real estate:

Lot 2, West Otter Creek First Addition to Linn County, Iowa.

and authorizes the Clerk of Court to show said release of lien on records maintained for said purposes in above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN: ss

On this 14th day of September, 1995, before me, a Magistrate for the State of Iowa, personally appeared John and Helen Peterson, to me known and who executed the above instrument as their voluntary act and deed.

Pamela Jo Lewis
Pamela Jo Lewis-Magistrate,
State of Iowa

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*Copy Returned to
Farmer State Bank 9-28-95
1149*

NOV 17 1995

BARBARA A. EVERLY, CLERK

RELEASE OF JUDGEMENT LIEN
ON PARTICULAR REAL ESTATE

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DEC 15 1995

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA BARBARA A. EVERLY, CLERK

In Re:	)	Bankruptcy No. 90-01576C
Vern C. Oliphant and	)	Adversary No. 90-0238C
Bertha E. Oliphant)	
Debtors)	
	)	SATISFACTION OF JUDGEMENT
John and Helen Peterson)	
Plaintiff)	
)	
vs)	
)	
Vern C. and Bertha Oliphant)	
Debtors)	

For valuable consideration in hand paid/(no monetary value), the plaintiffs, John and Helen Peterson, do hereby satisfy the judgement received in the above captioned Adversary procedure. Said judgment being entered April 22, 1992 in Judgment Book 3 at Page 104 in the records of the Clerk of the United States Bankruptcy Court. The Plaintiffs further authorize the Clerk of Court to show said satisfaction on records maintained for said purposes in the above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN: ss

On this 19 day of November, 1995, before me, a Magistrate for the State of Iowa, personally appeared John and Helen Peterson, to me known and who executed the above instrument as their voluntary act and deed.

Pamela Jo Lewis
Pamela Jo Lewis-Magistrate,
State of Iowa

Copy handed to
filing attorney
on date filed RN

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APR - 5 1996

BARBARA A. EVERLY,
CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

In Re:	)	Bankruptcy No. 90-01576C
Vern C. Oliphant and	)	Adversary No. 90-0238C
Bertha E. Oliphant)	
Debtors)	
)	
John and Helen Peterson	)	RELEASE OF JUDGEMENT LIEN
Plaintiff	)	ON PARTICULAR REAL ESTATE
)	
vs)	
)	
Vern C. and Bertha Oliphant)	
Debtors)	

For valuable consideration in hand paid/(no monetary value), the plaintiffs, John and Helen Peterson, do hereby release from judgement lien in the above matter the following real estate:

the west one-half (W1/2) of the north one-fourth (N1/4) of the southeast quarter (SE1/4) of the southeast quarter (SE1/4) section twenty five (Sec. 25), township eighty-five north (T85N), range eight west of the fifth principal meridian (R8W), containing five acres more or less.

This being the property conveyed by warranty deed to Carl L. Zieser and Dolores J Zieser, husband and wife on or about September 27, 1993.

and authorizes the Clerk of Court to show said release of lien on records maintained for said purposes in above cause.

John Peterson
John Peterson

Helen Peterson
Helen Peterson

STATE OF IOWA, COUNTY OF LINN: ss March

On this 14 day of ~~October~~, 1996, before me, a Magistrate for the State of Iowa, personally appeared John and Helen Peterson, to me known and who executed the above instrument as their voluntary act and deed.

Pamela Jo Lewis
Pamela Jo Lewis-Magistrate;
State of Iowa

Copy handed to
filing attorney
on date filed AN

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